12.11.2026
Serial no. 55
[G.S.Das]
Assistant Registrar
(Court)

CRM (NDPS) 2054 of 2026

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with Sagarpara Ps Case No. 530 of 2026 dated 7th July, 2026 u/s 21(c)/29 of the NDPS Act [NDPS case no. 95 of 2026].

-And-

In the matter of : Khodajil Sk

... ... Petitioner(s)

Mr. Arnab Chatterjee
Mr. Avik Ghosh

... for the Petitioner(s)

Mr. Krishnendu Bhattacharya, ld. APP
Ms. Tanusree Kar

... for the State-respondent(s)

The fact of the case is that the BSF personnel intercepted the petitioner on 06.07.2026 at 23.20 hrs and on 07.07.2026 at about 13.15 hrs, information was furnished to the Sagarpara police station, Murshidabad. Subsequent to which, FIR was registered. The petitioner was produced before the learned jurisdictional court on 8th July, 2026.

State opposes the prayer for bail and submits Memo of evidence.

However, having regard to the judgment of the Hon'ble Supreme Court in **Sujit Das & Ors. –v- Union of India reported in [2026 SCC OnLine SC 2358]**, wherein, the concept of detention and arrest has been elaborately dealt with by the

Hon'ble Apex Court, I am of the opinion that the petitioner should have been produced within 24 hours of intercepting him at the border when the contraband was recovered from him.

That being not done in the present case and going by the Judgment of the Hon'ble Supreme Court, without entering into the merits of the case relating to the seizure but only on the issue relating to delayed production before the learned jurisdictional court that is beyond 24 hours, I am of the view that the petitioner is entitled to be released on bail.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, **Khodajil Sk** shall be released on bail upon furnishing bond of Rs.20,000/-(Rupees Twenty Thousand only), with two sureties of Rs.10,000/-(Rupees Ten Thousand only) each, one of whom must be local, to the satisfaction of the learned Special Court (NDPS Act), -cum- learned Additional District Judge, 5th Court, Berhampore, Murshidabad.

If on bail, the petitioner shall also make himself physically available on each and every date so fixed by the learned Special court/trial court and shall not leave the district of Murshidabad without prior permission of the

learned Special court/trial court or the court *in seisin* of the case.

Accordingly, CRM (NDPS) 2054 of 2026 is **allowed**.

Pending application(s), if any, is also disposed of.

The observations made above are only restricted for adjudication of the bail application and should not be considered as final opinion on the merits of the case.

Memo of evidence submitted be kept with the recod.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)